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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,292	06/30/2003	Marcelo Gomes de Oliveira	2003P04482US	2973
7590 11/15/2007 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER OSMAN, RAMY M	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/611,292

Applicant(s)

GOMES DE OLIVEIRA, MARCELO

Examiner

Ramy M. Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. This action is responsive to amendment filed on September 4, 2007, where Applicant amended claims 1-3,7,12,13,15,17,18,21, and cancelled claim 16. Claims 1-15 and 17-21 remain pending.

### *Response to Arguments*

2. Applicant's arguments, filed 9/4/2007, with respect to the rejection(s) of claim(s) 1-21 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 103(a) in view of Shaffer in view of Ju as outlined below. Applicants arguments are moot in view of the new grounds of rejection.

3. Previous 112 second paragraph rejections are withdrawn.

### *Claim Objections*

4. Claims 1,8,13,18,21 objected to because of the following informalities: In claim 1 for example, on line 8 change "and a current..." to "and **based** on a current...". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-15 and 17-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (US Patent No 6,976,055) in view of Ju et al (US Patent No 6,744,741).**

7. In reference to claim 1, Shaffer teaches a method for selecting a media processor to host a new conference, comprising:

receiving an indication of a need for a media processor for a new conference (column 8 lines 62-67);

determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported (column 8 line 64 – column 9 line 10); and

determining one of said plurality of media processors to host said new conference based, at least in part, on said number of additional participants that each of said plurality of media processors can support (column 8 line 64 – column 9 line 13 and column 9 lines 37-67).

Shaffer fails to explicitly teach where the determining the host is also based upon a current CPU utilization percentage for each of said plurality of media processors. However, Ju teaches allocating new conferences to a media processor based upon processing resources that are below an acceptable threshold level for the purpose of monitoring and maintaining a plurality of media conferences (column 5 lines 49-61, column 6 lines 6-16 and column 7 lines 50-65).

It would have been obvious for one of ordinary skill in the art to modify Shaffer where the determining the host is also based upon a current CPU utilization percentage for each of said plurality of media processors as per the teachings of Ju for the purpose of monitoring and maintaining a plurality of media conferences.

8. In reference to claim 2, Shaffer teaches the method of claim 1, wherein said determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported, includes determining a value representative of a current number of conference participants for each of said plurality of media processors (column 8 line 64 – column 9 line 13).

9. In reference to claim 3, Shaffer teaches the method of claim 2, wherein said determining, for each of a plurality of media processors under control of a multipoint controller, a number of additional participants that can be supported, includes determining a value representative of a number of conference participants that may be supported by said multipoint processor before reaching the value representative of a current CPU utilization percentage for each of said plurality of media processors (Ju, column 6 lines 5-30).

10. In reference to claim 4, Shaffer teaches the method of claim 1, wherein said receiving an indication of a need for a media processor for a new conference includes receiving a request for allocation of a media processor for said new conference (column 8 lines 62-67).

11. In reference to claim 5, Shaffer teaches the method of claim 1, further comprising: providing data indicative of said one of said plurality of media processors (column 8 line 64 – column 9 line 13).

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12. In reference to claim 6, Shaffer teaches the method of claim 1, further comprising:  
allocating said one of said plurality of media processors to host said new conference (column 8  
line 64 – column 9 line 13).

13. In reference to claim 7, Shaffer teaches the method of claim 1, further comprising:  
determining a value representative of a maximum CPU utilization percentage associated with  
each of said plurality of media processors (Ju, column 5 lines 49-61, column 6 lines 6-16 and  
column 7 lines 50-65).

14. In reference to claim 8, Shaffer teaches a method for selecting a media processor to host a  
new conference, comprising:

receiving an indication of a need for a media processor for a new conference (column 8  
lines 62-67);

determining, for each of a plurality of media processors under the control of a multipoint  
controller, a current number of conference participants and a current CPU utilization (column 8  
line 64 – column 9 line 13); and

determining one of said plurality of media processors to host said new conference based,  
at least in part, on said current number of conference participants and current CPU utilization for  
each of said plurality of media processors (column 8 line 64 – column 9 line 13 and column 9  
lines 37-67).

Shaffer fails to explicitly teach where the determining the host is also based upon a  
current CPU utilization percentage for each of said plurality of media processors. However, Ju  
teaches allocating new conferences to a media processor based upon processing resources that

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are below an acceptable threshold level for the purpose of monitoring and maintaining a plurality of media conferences (column 5 lines 49-61, column 6 lines 6-16 and column 7 lines 50-65).

It would have been obvious for one of ordinary skill in the art to modify Shaffer where the determining the host is also based upon a current CPU utilization percentage for each of said plurality of media processors as per the teachings of Ju for the purpose of monitoring and maintaining a plurality of media conferences.

15. In reference to claim 9, Shaffer teaches the method of claim 8, wherein said determining one of said plurality of media processors to host said new conference includes selecting one of said plurality of media processors based on each of said plurality of media processors ability to support participants in said new conference (column 8 line 64 – column 9 line 13).

16. In reference to claim 10, Shaffer teaches the method of claim 8, wherein said determining one of said plurality of media processors to host said new conference includes selecting one of said plurality of media processors that can support a highest number of participants in said new conference (column 8 line 64 – column 9 line 13).

17. In reference to claim 11, Shaffer teaches the method of claim 8, wherein said determining one of said plurality of media processors to host said new conference includes determining a number of new participants that can be supported by each of said plurality of media processors (column 8 line 64 – column 9 line 13).

18. In reference to claim 12, Shaffer teaches the method of claim 11, wherein said determining a number of new participants that can be supported by each of said plurality of media processors includes determining a value representative of a number of conference participants that may be supported by the multipoint processor before reaching the value



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representative of a current CPU utilization percentage for each of said plurality of media processors (Ju, column 6 lines 5-30).

19. In reference to claims 13-15,17-20, claims 13-15,17-20 are system claims that correspond to the method claims of claims 1-12. Therefore, claims 13-15,17-20 are rejected based upon the same rationale as used to reject claims 1-12.

20. In reference to claim 21, claim 21 is an article of manufacture claims that corresponds to the method of claim 1. Therefore, claim 21 is rejected based upon the same rationale as used to reject claim 1.

### *Conclusion*

21. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



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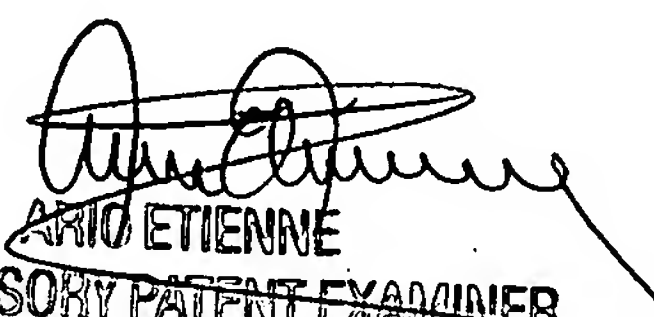
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO  
November 9, 2007

  
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